

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

AUDIO VISUAL SERVICES GROUP, INC.,
d/b/a PSAV PRESENTATION SERVICES
Employer

and

19-RC-161471

INTERNATIONAL ALLIANCE OF THEATRICAL
STAGE EMPLOYEES, LOCAL 15
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election and the Decision on Challenges and Objection and Certification of Representative is denied as it raises no substantial issues warranting review.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., May 19, 2016.

¹ Member Miscimarra believes the instant case highlights some of the inherent disadvantages associated with conducting a mail-ballot election rather than a manual election, especially considering that four ballots mailed by four eligible voters were never received by the Region, and the Region did not count three other ballots received after the tally was conducted. Each of these problems involved a potentially determinative number of ballots, given that the tally was 36-33 in favor of the Union. However, Member Miscimarra agrees that the Regional Director did not abuse his discretion in conducting a mail-ballot election. He further believes that the instant case is materially different from *Classic Valet Parking*, 363 NLRB No. 23 (2015), and *Premier Utility Services, LLC*, 363 NLRB No. 159 (2016), two cases in which Member Miscimarra dissented based on this view that fundamental breakdowns in the mail-ballot election warranted rerun elections. In this case, Member Miscimarra concurs with the denial of review based on the high level of participation in the election, the relatively small (though possibly determinative) number of voters who were potentially disenfranchised, and the absence of substantial irregularities in the Region's adherence to the Board's mail-ballot procedures.